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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,611	12/09/2003	Neil K. McCoy	DP-310505	4735

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DELPHI TECHNOLOGIES, INC.  
M/C 480-410-202  
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EXAMINER

BINDA, GREGORY JOHN

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/731,611

Applicant(s)

MCCOY ET AL.

Examiner

Greg Binda

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9 is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

*Information Disclosure Statement*

1. The listing of a reference in the specification as at paragraph 0004 is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the reference has been cited by the examiner on form PTO-892, it has not been considered.

*Specification*

2. The disclosure is objected to because at page 4, lines 20 & 21, it states that the drive member 16 is disposed about the driven member 12. However, the drawings show the driven member 12 disposed about the drive member 14, not the other way around.

*Claim Objections*

3. Claim 1 is objected to because it recites at line 4 that the drive member 16 is disposed about the driven member 12. However, the drawings show the driven member 12 disposed about the drive member 14, not the other way around.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 & 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawaguchi et al, US 6,234,904. Figs. 1 & 2 show a transmission and torque limiting assembly 18 for transmitting rotation from a drive 21 to a compressor (see col. 6, line 56 and col. 7, line 18), the assembly comprising: a driven member 41 for rotation by the drive about an axis "L"; a drive member 16 disposed within and coaxial with the driven member; and a mechanism 42-47 for transmitting rotation (see "drive power" in col. 9, line 46) from the driven member to the drive member and for disengaging the drive member from the driven member in response to a predetermined reactive force (see "predetermined limiting value" in col. 10, line 20) between the members. Fig. 2 shows the mechanism 42-47 for transmitting rotation comprises cams 42 presented by the driven member 41 and spring arms 47 extending resiliently and spirally (see col. 9, line 2) from the drive member 16 to cam followers 47a at the distal ends of the arms for engaging the cams for transmitting rotation from the driven member to the drive member and for resiliently moving radially to allow the cam followers to spring past the cams in response to the predetermined reactive force.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Hawkins et al, US 3,724,815. Figs. 1 & 2 show a transmission and torque limiting assembly 10 for transmitting rotation from a drive 24 to a compressor, the assembly comprising: a driven member 12 for rotation by the drive about an axis C.L.; a drive member 14 disposed within and coaxial with the driven member; and a mechanism 50 for transmitting rotation from the driven member to the

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drive member and for disengaging the drive member from the driven member in response to a predetermined reactive force (see “a load substantially below that load at which structural damage . . . might occur” in col. 3, lines 56-58) between the members. Fig. 2 shows the mechanism 50 for transmitting rotation comprises cams (nominally indicated by reference numeral 44) presented by the driven member 12 and spring 62 arms 52 extending resiliently and spirally from the drive member 14 to cam followers 58 at the distal ends of the arms for engaging the cams for transmitting rotation from the driven member to the drive member and for resiliently moving radially to allow the cam followers to spring past the cams in response to the predetermined reactive force. Figs. 1 & 2 show the each cam follower 58 is pivotally connected to the distal end of an arm 52 by a pin 60.

7. Claims 1 & 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Montgrand, US 1.865,559.

*Allowable Subject Matter*

8. Claims 4-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claim 9 is allowed.

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*Conclusion*

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Greg Binda whose telephone number is (703) 305-2869. The examiner can normally be reached on M-F 9:30 am to 7:00 pm with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Binda  
Primary Examiner  
Art Unit 3679